

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

TIMOTHY HOLDEN,

Plaintiff,

v.

Case Number 05-10057-BC
Honorable Thomas L. Ludington

CITY OF SAGINAW, SAGINAW POLICE
DEPARTMENT, City of Saginaw Police
Detective Sergeant MARK LIVELY, City of Saginaw
Police Detective Sergeant VAN BUREN,
City of Saginaw Police Officer JAMES
ROBINSON, and City of Saginaw Police
Lieutenant MALLETTE,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND GRANTING
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

This matter is before the Court on a report issued by Magistrate Judge Charles E. Binder on March 30, 2007, recommending granting the motion for summary judgment filed by the defendants, the City of Saginaw and officers of its police department. The plaintiff, Timothy Holden, has not filed a motion for extension of time to object, nor has he timely filed objections.

The plaintiff's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt #43] is **ADOPTED** and the defendants' motion for summary judgment [dkt #38] is **GRANTED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: April 30, 2007

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 30, 2007.

s/Tracy A. Jacobs
TRACY A. JACOBS